

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOSEPH MICHAEL DEVON ENGEL,

Plaintiff,

v.

VERIZON WIRELESS,

Defendant.

)
)
)
)
)
)
)
)
)
)

No. 4:21-CV-900 RWS

MEMORANDUM AND ORDER

This matter is before the Court on two motions from self-represented plaintiff Joseph Michael Devon Engel. First, plaintiff seeks leave to proceed *in forma pauperis* on appeal. ECF No. 8. Second, plaintiff requests that the Court issue an Order directing the institution where he is incarcerated, Missouri Eastern Correctional Center, to refund his prison account in the amount of \$1,400. ECF No. 9. According to plaintiff, he received this amount in federal stimulus money but it was all removed from his account to pay filing fees he owes to this Court. Plaintiff argues the removal violates law.

The Court dismissed this action on September 8, 2021, under the three strikes provision of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g), subject to plaintiff refiling the case as a fully-paid complaint. ECF Nos. 4-5. The Court has no reason to believe that an appeal of this matter would be taken in good faith, 28 U.S.C. § 1915(a)(3), and it is not apparent that plaintiff now seeks appellate review of any issue that is not frivolous. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962).

Furthermore, plaintiff has repeatedly filed meritless lawsuits in this Court, to the point where this Court has found his litigation practices to be an abuse of the judicial process. *See* ECF

No. 4. Despite plaintiff's averments in the instant motion, *see* ECF No. 8 at 1, plaintiff has filed at least three actions that were dismissed because they were frivolous, malicious, or failed to state a claim upon which relief may be granted.¹ Accordingly, he has accumulated three "strikes" as defined in 28 U.S.C. § 1915(g), and his averments do not establish he is under imminent danger of serious physical injury. For all of these reasons, the Court finds plaintiff may not proceed *in forma pauperis* on appeal.


Finally, the Court knows of no legal reason why plaintiff's stimulus money should not be used to pay filing fees owed to the Court, and plaintiff provides no legal support for this assertion. The Court has repeatedly warned plaintiff of the costs of filing meritless litigation. Plaintiff's motion for refund of his stimulus money will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed *in forma pauperis* on appeal [ECF No. 8] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion to refund his stimulus money [ECF No. 9] is **DENIED**.

Dated this 29th day of September, 2021.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

¹ See *Engel v. Governor of Missouri*, No. 1:20-cv-217-HEA (E.D. Mo. Dec. 15, 2020); *Engel v. United States of America*, No. 4:20-cv-1742-MTS (E.D. Mo. Dec. 18, 2020); *Engel v. Missouri Courts*, No. 4:20-cv-1258-SPM (E.D. Mo. Dec. 21, 2020).